

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
August 7, 2017**

MINUTES

Members Present: Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin, Councilman Mark Benton, Councilman John Corbett and Councilman Rich Cerrato

Members absent: None

Attorney & Staff Present: Bonita Bray, Finance Director; Kevin Dempsey, Fire Chief; Dustin Graham, Public Works Director; Ken Klamar, Police Chief; Hiram Marziano, Planning Director; Cindi Stephenson, Administrative Assistant; and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 6:00 pm.

Closed Session

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING PENDING LITIGATIONS CONCERNING JAGUAR'S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND AND TO SEEK LEGAL ADVICE CONCERNING POTENTIAL CONFLICT OF INTEREST. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN LARKIN MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE THE MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately one hour. No action taken.

Work Session

Mayor Forrester called for agenda amendments and general discussions by the Council.

GSATS

Councilman Larkin advised that North and South Carolina Departments of Transportation have now appropriated funds for the Environmental Impact Study concerning the Carolina Bays Parkway Extension to either Highway 17 near Brunswick Plantation or a new highway in the eastern portion of Brunswick County, total estimated budget is \$4 million. Councilman Larkin advised that the I-140 extension from I-40 to south of Leland is on schedule to open in November 2017.

Approval of the Draft Agenda

The Council reviewed the agenda and made the following amendments:

Moved from 8c to 5 - Consideration of Adoption of Ordinance 110.01 (E) Regarding Alcohol Sales on Sundays Beginning at 10:00 am (Brunch Bill)

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Monthly Meeting

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

Public Hearings

UDO Amendment Article 6 Section 6.04, Article 7 Section 7.09 - Privacy Fence Subdivision

COUNCILMAN CORBETT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester called for comments. No comments were heard.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

UDO Amendment Article 6 Section 6.06 (H) BB-1 - Maximum Density

COUNCILMAN CERRATO MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Jan Harris 206 North Shore Drive – Advised that she was the citizen that applied for the text amendment to reduce the maximum density allowed in the BB-1 District citing non-compliance with the CAMA Land Use Plan, undesirable appearance, parking issues and non-existing landscaping.

Dave Eastburn 424 32nd Street – Encouraged the Council to reject the proposed text amendment.

Larry Hershoff 219 Baroney Place Drive – Agreed that the Council needs to reject the proposed text amendment citing traffic congestion.

James Farson 8985 Marshview Lane – Informed the Council that he is the builder and that he came to Planning Department to inquire as to what could be built on the property and was never told that a quad-plex couldn't be built until after the property was purchased.

Charles Nern 647 Oyster Bay Drive – Stated that all of the lots surrounding this property have quad-plex buildings on them; he should be allowed to build a quad-plex.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

UDO Amendment Article 1, 2 and 7 - Building Codes, Regulations & Standards

COUNCILMAN CERRATO MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor Forrester called for comments. No comments were heard.

COUNCILMAN CERRATO MADE A MOTION TO CLOSE THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Minutes for Approval Consideration

June 5, 2017 Regular Meeting Minutes, June 20, 2017 Regular Meeting Minutes and June 26, 2017 (July) Regular Meeting Minutes

The Council reviewed and made grammatical error amendments.

COUNCILMAN CORBETT MADE A MOTION TO APPROVE THE JUNE 5, 2017, JUNE 20, 2017 MINUTES AND JUNE 26, 2017 MINUTES AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Public Comments on Agenda Items Only

Dave Eastburn 424 32nd Street – Reminded the Council of his earlier emails concerning the June 26, 2017 Meeting Minutes and his request for those Minutes to be amended to include his verbatim statement that he made at that Meeting and the comments that Mayor Pro-Tem Scott made during his comments.

COUNCILMAN BENTON MADE A MOTION TO AMEND THE PUBLIC COMMENTS SECTION OF THE JUNE 26, 2017 MEETING MINUTES TO INCLUDE MR. EASTBURN'S STATEMENT AND THE COMMENTS THAT MAYOR PRO-TEM SCOTT MADE DURING HIS COMMENT. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTED YES. COUNCILMAN LARKIN, MAYOR PRO-TEM SCOTT AND COUNCILMAN CORBETT VOTED NO. THE MOTION FAILED.

Consideration of Adoption of Ordinance 110.01 (E) Regarding Alcohol Sales On Sundays Beginning at 10:00 am (Brunch Bill)

Councilman Cerrato read a prepared statement advising the Council of what he believed was a conflict of interest and request the Council allow him to recuse himself from deliberating and voting on Ordinance 110.01.

Attorney Richardson informed the Council that the law requires each Council member to vote unless a conflict of interest was determined and the member excused from voting by the remainder of the Council. Attorney Richardson advised that the fact that Councilman Cerrato owns a restaurant within the Town limits that may or may not be impacted by Ordinance 110.01 does not establish a conflict of interest or give the appearance of any impropriety.

MAYOR PRO-TEM SCOTT MADE A MOTION TO REJECT COUNCILMAN CERRATO'S REQUEST TO RECUSE HIMSELF FROM THE DELIBERATIONS AND VOTE CONCERNING ORDINANCE 110.01. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY A 4 – 0 VOTE.

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT ORDINANCE 110.01 REGARDING ALCOHOL SALES ON SUNDAYS BEGINNING AT 10:00 AM. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN BENTON, MAYOR PRO-TEM SCOTT, COUNCILMAN CORBETT AND COUNCILMAN LARKIN VOTED YES. COUNCILMAN CERRATO DID NOT CAST A VOTE.

Attorney Richardson advised that Councilman Cerrato's decision not to cast a vote without being excused from voting will be recorded as an affirmative vote.

**Consideration of Adoption of Ordinance 110.01 (E) Regarding Alcohol Sales On Sundays
Beginning at 10:00 am (Brunch Bill) (Cont.)**

THE MOTION CARRIED BY UNANIMOUS VOTE DUE TO COUNCILMAN CERRATO'S DECISION NOT TO CAST A VOTE WITHOUT BEING EXCUSED RESULTED IN HIS VOTE BEING RECORDED AS AN AFFIRMATIVE VOTE.

Town Administrator Report

No Report.

Departmental Reports

Police – Chief Klamar advised that over 60 pounds of prescription medications have been disposed of in the newly installed drop box at Town Hall.

Public Works – Dustin Graham, Public Works Department Director, advised that Staff has completed the Town Park Observation Deck. Councilman Benton questioned the purpose for the poles near the Park parking area. Graham advised that the poles are for banner displays for the organizations using the Park for events. Mayor Pro-Tem Scott requested an update on the paving project for North Shore Drive Extension and Cobia Street. Graham advised that surveying and engineering work is ongoing now.

Planning & Inspections - Hiram Marziano, Planning Director, advised that the Planning Board is currently reviewing the special events sign ordinances.

Fire – No additional information added to the written report. Councilman Benton advised the Beach Patrol staff is doing a good job.

Finance – Bonnie Bray, Finance Director, advised that the June Report included in the packet is a preliminary draft as additional FY 16/17 revenues and expenditures are still being received and processed.

Old Business

Discussion and Possible Action Concerning Main Street Sidewalk Project

Michael Norton, McGill and Associates Representative, reported that he met with BEMC and ATMC concerning pedestal that might need to be relocated and to determine if any parking spaces would be lost and advised that ATMC says no costs, BEMC says no significant costs other than one light pole that may need to be moved, and no parking spaces will be eliminated. Norton advised the estimated project costs is \$425,000 and the Town has been awarded \$100,000 NCDOT matching grant.

COUNCILMAN BENTON MADE A MOTION TO PROCEED WITH PROJECT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Joining the Mayors National Climate Action Agenda

The Council briefly discussed the Mayors National Climate Action Agenda and agreed to continue to adopt resolutions concerning environmental issues that affect Sunset Beach but not to join the Mayors National Climate Action Agenda.

Old Business (Cont.)

Discussion Concerning Joining the Mayors National Climate Action Agenda (Cont.)

MAYOR PRO-TEM SCOTT MADE A MOTION NOT TO JOIN THE MAYORS NATIONAL CLIMATE ACTION AGENDA. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning How the Fire Fees System Works, Any Council Flexibility Concerning the Use of the Fire Fees, and the Impact of the Increase for Sunset Beach, Fire Department Personnel, Additional Equipment Needs or Building Maintenance/Repairs

Mayor Forrester advised that the Sunset Beach Fire District encompasses both properties inside and outside of the municipal Town limits. Brunswick County Commissioners lobbied the North Carolina General Assembly to allow the County to increase the Fire Fees by 25% and were successful. The Town will receive approximately \$240,000 in additional fire fee revenues in FY17/18. Staff recommended increasing the Fire Department permanent full-time personnel by four (4) positions. The Council discussed reducing the Town portion of the Fire Department funding by the additional amount received and using the funds to reduce taxes, payoff the new fire truck loan, or repair the roof on Fire Station #1. Chief Dempsey reminded the Council of the departmental needs for manpower to improve personnel safety and performance during an event. Mayor Pro-Tem Scott and Councilman Cerrato suggested closing Fire Station #2 to increase the manpower needed to achieve the safety requirement during an event. Councilman Cerrato requested a costs analysis of operating Fire Station #2. Chief Dempsey reminded the Council that the purpose of Station #2 is to provide adequate and timely services to the outer lying areas within Town limits and the Fire District. Councilman Larkin and Councilman Corbett advised that the Town population, both seasonal and permanent, are increasing and the Council has a responsibility to provide a level of service utilizing quality equipment with trained personnel in adequately staffed Departments.

COUNCILMAN BENTON MADE MOTION TO TABLE THIS DISCUSSION UNTIL THE AUGUST 15, 2017 MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Amendment for Ordinance 93.01 Premises to be Kept Clean; Notice of Violation

Mayor Pro-Tem Scott and Councilman Larkin requested the proposed Ordinance 93.01 amendments be tabled until the August 15, 2017 Meeting to provide time for a Meeting with Staff concerning some revisions that deem necessary. The Council agreed.

Consideration of Adoption of Ordinance Amendment for Article 6 Section 6.04, Article 7 Section 7.09 - Privacy Fence Subdivision

MAYOR PRO-TEM SCOTT MADE A MOTION TO DENY THE PROPOSED TEXT AMENDMENTS FOR UDO ARTICLE 6 SECTION 6.04 AND ARTICLE 7 SECTION 7.09 REGARDING PRIVACY FENCES WITHIN SUBDIVISIONS. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Ordinance Amendment for Article 6 Section 6.06 (H) BB-1 - Maximum Density

The Council requested Staff to consult with Attorney Richardson to determine if a solution can be found to permit the property owner to build a quad-plex on the 27th Street property in lieu of the current density requirement. The current owner Riptide Builders LLC purchased the property in October 2016.

Old Business (Cont.)

Consideration of Adoption of Ordinance Amendment for Article 6 Section 6.06 (H) BB-1 - Maximum Density (Cont.)

The Ordinance amendment reducing the Maximum Density in Article 6 Section 6.06 (H) BB-1 was adopted in June 2015. An update will be provided to the Council during the August 15, 2017 Meeting.

Consideration of Adoption of Ordinance Amendment for Article 1, 2 and 7 – Building Codes, Regulations & Standards

The Council briefly reviewed the proposed Ordinance Amendments for Article 1, 2 and 7. The Council agreed to provide individual comments to Hiram Marziano, Planning Director, for incorporation into the draft for additional review during the September 5, 2017 Meeting.

New Business

Consideration of Acceptance of the Planning Board Recommendation for UDO Amendment for Minimum Housing/ Unsafe Building Ordinance and Schedule a Public Hearing for September 5, 2017 at 7:00 PM

COUNCILMAN CORBETT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION AND TO SCHEDULE A PUBLIC HEARING FOR SEPTEMBER 5, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of Budget Ordinance Amendment for Shellfish Survey as Related to the Shoreline Management and Pre-Dredging Analysis Project

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE BUDGET ORDINANCE AMENDMENT FOR THE SHELLFISH SURVEY AS RELATED TO THE SHORELINE MANAGEMENT AND PRE-DREDGING ANALYSIS PROJECT NOT TO EXCEED \$92,500. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN LARKIN, MAYOR PRO-TEM SCOTT AND COUNCILMAN CORBETT VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for August 15, 2017 Meeting

The Council reviewed the Disposition of Directive and made the following amendments:

- Add Consideration of a Conflict of Interest Policy to a future agenda
- Remove Island Parking Study Proposal/Results

Public Comments

Charles Nern 647 Oyster Bay Drive – Encouraged the Council to be mindful of the safety of the Fire Department personnel, thanked Staff for the appearance of the roundabout landscaping, thanked Staff for exemplary recordkeeping of expenditures during Hurricane Matthew that will result in a sizable reimbursement from FEMA.

Carol Santavicca 9109 Forest Drive – Suggested that the Fire Fee amounts are set by Brunswick County so the Council needs to work with what the Town is given; agreed that a tax increase to continue the level of existing services would not be a bad thing; remarked that the Town Park Observation Deck is too small, was unable to accommodate the Santavicca family.

Adjournment

COUNCILMAN BENTON MADE A MOTION TO ADJOURN THE AUGUST 7, 2017 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Robert Forrester, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The August 7, 2017 Minutes were approved by Council during the September 5, 2017 Meeting.